

Chapter 25

Internet Postsecondary Institution Privacy Act

Part 1

General Provisions

53B-25-101 Title.

This chapter is known as the "Internet Postsecondary Institution Privacy Act."

Enacted by Chapter 94, 2013 General Session

53B-25-102 Definitions.

As used in this chapter:

- (1)
 - (a) "Personal Internet account" means an online account that is used by a student or prospective student exclusively for personal communications unrelated to any purpose of the postsecondary institution.
 - (b) "Personal Internet account" does not include an account created, maintained, used, or accessed by a student or prospective student for education related communications or for an educational purpose of the postsecondary institution.
- (2) "Postsecondary institution" means an institution that provides educational services offered primarily to persons who have completed or terminated their secondary or high school education or who are beyond the age of compulsory school attendance.

Enacted by Chapter 94, 2013 General Session

Part 2

Prohibited and Permitted Activities

53B-25-201 Prohibited activities.

A postsecondary institution may not do any of the following:

- (1) request a student or prospective student to disclose a username and password, or a password that allows access to the student's or prospective student's personal Internet account; or
- (2) expel, discipline, fail to admit, or otherwise penalize a student or prospective student for failure to disclose information specified in Subsection (1).

Enacted by Chapter 94, 2013 General Session

53B-25-202 Permitted activities.

- (1) This chapter does not prohibit a postsecondary institution from requesting or requiring a student to disclose a username or password to gain access to or operate the following:
 - (a) an electronic communications device supplied by or paid for in whole or in part by the postsecondary institution; or
 - (b) an account or service provided by the postsecondary institution that is either obtained by virtue of the student's admission to the postsecondary institution or used by the student for educational purposes.

- (2) This chapter does not prohibit or restrict a postsecondary institution from viewing, accessing, or using information about a student or prospective student that can be obtained without the information described in Subsection 53B-25-201(1) or that is available in the public domain.

Enacted by Chapter 94, 2013 General Session

53B-25-203 Duties not created.

- (1) This chapter does not create a duty for a postsecondary institution to search or monitor the activity of a personal Internet account.
- (2) A postsecondary institution is not liable under this chapter for failure to request or require that a student or prospective student grant access to, allow observation of, or disclose information that allows access to or observation of the student's or prospective student's personal Internet account.

Enacted by Chapter 94, 2013 General Session

Part 3 Remedy

53B-25-301 Private right of action.

- (1) A person aggrieved by a violation of this chapter may bring a civil cause of action against a postsecondary institution in a court of competent jurisdiction.
- (2) In an action brought under Subsection (1), if the court finds a violation of this chapter, the court shall award the aggrieved person not more than \$500.

Enacted by Chapter 94, 2013 General Session